

## REMARKS

Claims 1-4, 6-31 and 33-39 are now pending in the application. Applicants note that Claims 1, 13, 19, 31, and 35 have been amended for purposes of clarity only. These amendments are not narrowing amendments. Applicants further note that the above amendments do not constitute new matter as support can be found throughout the specification and exemplary embodiments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### REJECTION UNDER 35 U.S.C. § 102

Claims 1-4, 6, 7, 9-27, 29-31, and 33-39 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sato et al. (JP 06-267577). This rejection is respectfully traversed.

With respect to claim 1, as best understood by Applicants, Sato fails to teach or suggest the limitation of **sequentially** adjusting currents provided by each the fuel cell stacks as claim 1 recites. Applicants note that claims 13, 19, 31, and 35 contain similar limitations.

For anticipation to be present under 35 U.S.C §102(b), there must be no difference between the claimed invention and the reference disclosure as viewed by one skilled in the field of the invention. Scripps Clinic & Res. Found. V. Genentech, Inc., 18 USPQ.2d 1001 (Fed. Cir. 1991). All of the limitations of the claim must be **inherent or expressly disclosed** and must be arranged as in the claim. Constant v. Advanced Micro-Devices, Inc., 7 USPQ.2d 1057 (Fed. Cir. 1988). Here, Applicants

respectfully assert that Sato fails to disclose the limitation of **sequentially** adjusting currents provided by each the fuel cell stacks.

As shown in an exemplary embodiment in FIG. 3 of the present application, control selects a first fuel cell stack (e.g., step 204). Control then adjusts the current produced by the first fuel cell stack to produce a desired current (e.g., steps 212-224). Once the desired current is produced, control selects the next fuel cell stack in the sequence (e.g., step 232) and adjusts the next fuel cell stack in the same manner. In other words, control adjusts the currents provided by each of the fuel cell stacks **sequentially** as claims 1, 13, 19, 31, and 35 recite.

For example, the present application states that:

[t]he controller 112 starts at step 202 and sets a stack index M equal to 1 at step 204. At step 208 the controller 112 measures and/or estimates current at each of N parallel-connected, operating fuel cell stacks 104. If at step 212 the controller determines that current through a fuel cell stack corresponding to index value M ("the Mth stack") exceeds an upper threshold current value  $I_{high}$ , the controller at step 216 adjusts at least one parameter affecting the Mth stack and checks the Mth stack current again at step 212. If at step 220 current through the Mth stack is less than  $I_{high}$  but not greater than a lower threshold current value  $I_{low}$ , the controller at step 224 adjusts at least one parameter affecting the Mth stack and checks the stack current again at step 220. (See paragraph [0030]).

In other words, control iteratively adjusts the current produced by the Mth stack until control produces a desired current through Mth the stack (e.g., when  $I_{high} > \text{Mth stack current} > I_{low}$ ).

The present application also states that:

[i]f current through the Mth stack falls between  $I_{high}$  and  $I_{low}$  and M does not equal N at step 228, then the controller 112 increments the index M, e.g., by one, and control returns to step 208. At step 208 the controller 112 measures and/or estimates current from the N stacks 104 and proceeds to step 212 to check current through a stack corresponding to index value

M+1. If M equals N at step 228, control returns to step 204, M is reset to 1, and so on. (See paragraph [0031]).

In other words, control selects the next fuel cell stack in the sequence (e.g., M+1) and control produces a desired current through the next fuel cell stack. Accordingly, control **sequentially** adjusts the current provided by each of the fuel cell stacks.

In contrast with the present application, as best understood by Applicants, Sato teaches controlling individual currents of fuel cell stacks **randomly**. For example, Sato suggests that the controller may adjust the currents when one of the output currents falls below a threshold. Sato states that "an alarm is generated when the output current value of synthesis of a fuel cell stack becomes below a predetermined value." (See paragraph [0013]). This alarm is an indicator that the output current of that fuel cell stack needs to be adjusted (i.e., increased).

Sato recognizes that the output current of any given stack may fluctuate rapidly and unexpectedly. Sato states that:

the output current of each stack changes with the causes of aging, or temperature fluctuation and others after starting. For this reason, the current detectors ID1-IDn are connected for every output of each stack like drawing 1, the output current is **supervised**, the opening signal of each valve is computed from each output current value by Controller C, and each valve is controlled by this invention." (See paragraph [0022]; Emphasis added).

In other words, the output currents of the fuel cell stacks of Sato may fluctuate rapidly. Accordingly, Sato **supervises** each output current and controls the valves **randomly** (as needed) to compensate for these fluctuations.

Therefore, Applicants respectfully assert Sato fails to teach or suggest the limitation of **sequentially** adjusting currents provided by each the fuel cell stacks as claims 1, 13, 19, 31, and 35 recite.

Accordingly, Applicants respectfully assert that Claims 1, 13, 19, 31, and 35, as well as their respective dependent claims, should be allowable for at least the above reasons.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 8 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato et al (JP 06-267577) in view of Dickman et al. (U.S. 2001/0049038). The Sato reference is applied to claims 1 and 19 for reasons stated above. This rejection is respectfully traversed.

As stated above, Sato fails to disclose the limitation **sequentially** adjusting currents provided by each the fuel cell stacks as claims 1, 13, 19, 31, and 35 recite. Therefore, the Examiner's rejection of claims 8 and 28, as they are dependent on claims 1 and 19, respectively, is now rendered moot.

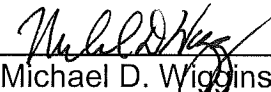
Accordingly, Applicants respectfully assert that claims 8 and 28, as well as their respective dependent claims, should be allowable for at least the above reasons.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: October 12, 2007

By:   
Michael D. Wiggins  
Reg. No. 34,754

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600